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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,573	11/13/2003	Anthony Martin Bishop	MCUSB100-2003	8792
7590 Anthony M. Bishop 6841 Camino De Amigos Carlsbad, CA 92009			EXAMINER TORRENTE, RICHARD T	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 12/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,573

Applicant(s)

BISHOP ET AL.

Examiner

RICHARD TORRENTE

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because implied phrase "Embodiment" is used in line 11. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4 are rejected under 35 U.S.C. 101 because it is not clear within which of the enumerated categories of patentable subject matter the claimed invention falls (Apparatus or Method).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Branson (US 5,877,819).

Regarding claim 1, Branson discloses an apparatus and method for capturing, processing and storing still images captured inline from an analog video stream and storing in a digital format on removable non-volatile memory which (see fig. 1) comprises: an interface via S-video or composite video inline (see 34a-34g in fig. 2) to most medical modalities, including; ultrasound machines, intra-oral cameras, endoscopic cameras (see 46 in fig. 2), or any device with analog video output (see column 21, lines 57-62) providing the ability to capture still images from an analog video stream, provide a live picture pass thru (see "live video" in fig. 6), visual and audible verification of image capture (see 60 and 62 in fig. 2); providing a user selectable preview function (see 20 in fig. 4) that displays images via unique on-screen display (see 112 in fig. 4); supporting underscan video mode (see 24 in fig. 1; see 410 and 400 in fig. 21) to provide a means to capture patient data from medical imaging devices; utilizing user selectable PAL/NTSC video formats (see 80 in fig. 3) to ensure compatibility within international marketplace ; using video capture circuitry (see 34b in fig. 2) designed to be of a quality to meet a medical imaging application; providing a Menu Driven/Front Panel Control User Interface with on-screen messages and review of images via unique On-Screen display (see column 23, lines 50-59); utilizing on-board local memory (see 40 in fig. 2) with the ability to store images on multiple removable

non-volatile memory devices (see 20, 74, 70, 72 and 76 in fig. 2); providing Logic Processor interfaces (see 38 in fig. 2) between video capture circuitry and removable non-volatile memory devices in a unique manner to store images on multiple images on removable non-volatile memory devices (see 20, 74, 70, 72 and 76 in fig. 2); and saving said images to specialized non-volatile memory drives (see 20 and 40 in fig. 2) that can be equipped with specialized embedded security key facilitating the storage (see column 23, lines 60-65), manipulation, and distribution of images (see column 23, lines 3-16).

Regarding claim 3, Branson further discloses wherein said video functionality comprise; a wide range of video frequencies to ensure compatibility with the majority of medical imaging equipment (see 70 in fig. 2); and utilizing underscan to provide a means to capture patient data from medical imaging devices (see 410 and 400 in fig. 21).

Regarding claim 4, Branson further discloses wherein providing the ability to make available hands free operation via typical contact closure footswitch to capture still images (see 180 in fig. 12).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Branson (US 5,877,819) in view of Chang et al. (US 6,791,601) (IDS).

Regarding claim 2, Branson does not disclose wherein the capturing of images from live video to removable non-volatile memory formats utilizes the apparatus video inputs comprises without need of personal computer, and without the need for a computer bus interface.

In the same field of endeavor, Chang discloses wherein the capturing of images from live video to removable non-volatile memory formats utilizes the apparatus video inputs comprises without need of personal computer, and without the need for a computer bus interface (see fig. 2 and fig. 4).

Therefore, taking the combined teachings of Branson and Chang as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to exploit the different types of imaging system such as down-grading the system of Branson to be a stand alone unit of Chang for the benefit of reduction in hardware and cost but still maintaining critical features.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD TORRENTE whose telephone number is (571) 270-3702. The examiner can normally be reached on M-F: 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Young Lee/
Primary Examiner, Art Unit 2621

RT
/Richard Torrente/
Examiner, Art Unit 2621

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